

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
PETITION FOR
REHEARING**

77-1187

OCT 18 1977

10/13/77

DANBURY, CONN.

IN THE MATTER OF #77-1187

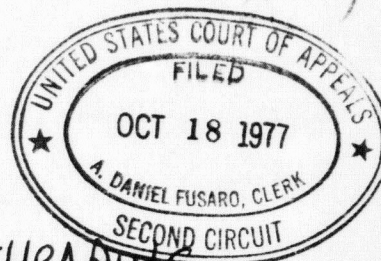
UNITED STATES OF AMERICA

APPELLE,

-against-

CHARLES C. BASAMAN,

DEFENDANT-APPELLANT



PETITION FOR REHEARING

COMES NOW, CHARLES C. BASAMAN, PRO SE, WHO MOVES BEFORE THIS HONORABLE COURT FOR A "REHEARING", AS TO THE ABOVE (DA) CAPTIONED MATTER.

YOUR APPELLANT, CHARLES C. BASAMAN, NOW STATES AND DEPOSES THAT:

(I) THAT DUE TO NUMEROUS AND UNNECESSARY TRANSFERS, AT THE INJECTION OF THE APPELLE HE BECAME SEPARATED FROM ALMOST ALL HIS LEGAL PAPERS: WHICH WILL SHOW, WITHOUT ANY CONTRADICTION: (a) THAT SINCE OCT. 6, 1976, THE APPELLANT STATED THAT THE OFFICE OF THE FEDERAL PUBLIC DEFENDER WAS NOT, IS NOT AND WOULD NOT, UNDER ANY CIRCUMSTANCES REPRESENT THE DEFENDANT, CHARLES C. BASAMAN: (b) AT THE COURT HEARING ON OCT. 28, 1976, BEFORE THE HONORABLE LEO B. GAGLIARDI, J.U.S.D.C., THE PUBLIC DEFENDER WAS REMOVED FROM ANY FURTHER REPRESENTATION OF THE APPELLANT, BUT, DELIBERATELY AND IN CONCERT WITH THE PROSECUTION THE P.D. ROLAND THAU KEPT HIMSELF INJECTED IN THE CRIMINAL PROCEEDINGS, TO THE TOTAL DETRIMENT OF YOUR PETITIONER, CHARLES C. BASAMAN, INCLUDING A TOTALLY "TORTUOUS" 50 DAYS AT THE U.S. MEDICAL CENTER IN SPRINGFIELD, MISSOURI, WHEREFROM THE PETITIONER, PRO SE, WAS ABLE TO HAVE HIMSELF RETURN TO THE COMMITTING COURT, WHICH IN A DISMAL DISPLAY OF "JUDICIAL" MALFEASANCE" THAN PROCEEDED TO COMMIT TO TRIAL YOUR PETITIONER A G A I N, WITHOUT THE AUTHORIZED USE OF R. THAU, WHO ALSO WAS SO INEFFECTIVE, THAT TO READ THE MINUTES OF THE "SO-CALLED" TRIAL IS COMPRAABLE TO SOME BACK-WOODS" COMEDY, WERE IT NOT FOR THE TORTUOUS CRUEL AND INHUMAN PUNISHMENT YOUR APPELLANT WAS SUBJECTED TO, WHILE ALREADY IN A "POOR" PHYSICAL CONDITION.

II

(2) AGAIN, ACCORDING TO THE RECORD AND WITHOUT ANY, WE REPEAT ANY FEAR OF CONTRADICTION, AS NOTED AT THE HEARING BEFORE HONORABLE JUDGE GAGLIARDI, ON OCT. 28, 1976, the appellant I D N O T WAIVE THE RIGHT TO PROCEED "PRO SE", I N F A C T AT "ALL TIMES, AFTER EACH AND EVERY SESSION, THE DEFENDANT, IN WRITING, DECRIED THE CONTINUING INTERFERENCE OF THE ONE "ROLAND THAU", EVEN TO THE POINT OF MOVING TO HAVE "ROLAND THAU" ARRESTED, FOR TRYING AND SUGGESTING TO YOUR PETITIONER TO PLEAD "INSANITY", AS A DEFENSE AND "THAT WAS A WAY TO GET "AWAY" WITH THE CHARGES, AND STATED THAT THAT COURSE OF ACTION HAD THE DEFENDANT'S WIFE'S APPROVAL, AND MY REACTION WAS EXTREME, IN THE PRESENCE OF "ROLAND THAU'S SUPERVISOR, AT A MEETING AT THE METROPOLITAN CORRECTION CENTER, WHICH CAN BE READILY VERIFIED BY SIMPLY ORDERING PRODUCTION OF THE "ATTORNEY'S VISIT LOG BOOK, WHICH I ASK THE COURT'S AID IN OBTAINING, BECAUSE THE PROSECUTION AND THIS "ROLAND THAU" HAVE DEPRIVED YOUR APPELLANT OF ALMOST ALL DISCOVERY, WHICH "H A S B E E N R E Q U E S T E D", A NUMBER OF TIMES BUT TO THIS DATE HAS NOT BEEN PROVIDED, INCLUDING MATERIAL, IN THE POSSESSION OF "ROLAND THAU", WHICH WAS EVEN BEGGED FOR BY THE DEFENDANT, WHILE AT, THE MOST HORRENDOUS SUBJECTION AT THE U.S. MEDICAL CENTER, SPRINGFIELD, MISSOURI, WHERE THE APPELLANT "P R O V E D" THAT HIS COMMITMENT WAS "ILLEGAL AND NOT NEEDED"; BUT COMPELLED YOUR PETITIONER TO BE DEPRIVED OF "DUE PROCESS" AND EVEN SUBJECTING HIM TO A BRUTAL PHYSICAL ATTACK, BY A MENTAL INMATE, AT SPRINGFIELD.

(3) IF THE COMMENTS OF THE COURT AS TO THE SO CALLED DEFENSE AS "BRILLIANT", YOUR PETITIONER HAS NO CONTROL OF THE "MUTUAL ADMIRATION SOCIETY'S" INTERPRETATION OF EACH OTHER, BUT THE RECORD CLEARLY SHOWS, (a) THE DEFENDANT WAS IN CUSTODY FROM OCT. 4, 1976 TO OCT. 28, 1976 (24 days) WITHOUT A PRELIMINARY HEARING, OR ANY CONTACT WITH THE COURT, DESPITE 3 ATTEMPTS, and no one said I had to use the office of the Public Defender; AS MY POSITION WAS IN WRITING AND CLEAR AND THAT I WAS POSITIVE THAT I DID NOT WANT OR NEED THE INEFFECTIVE SERVICES OF THE PUBLIC DEFENDER, AND THAT DECLARATION WAS "TIMELY" AND SPECIFIC: "SEE" U.S. V Bennett, 539 F.2d 45 (10 Cir. 1976).

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III

(3) ALSO WE STATE, AGAIN WITHOUT FEAR OF CONTRADICTION THAT SO-CALLED "EFFECTIVE COUNSEL" ROLAND THAU D I D N O T MAKE EVEN THE PRETRAIL MOTIONS FOR DISCOVERY, WITNESSES OR FOR RELEASE ON BAIL, ##### INCLUDING HE REFUSED TO CALL ALL THE WITNESSES, WANTED BY THE DEFENDANT INCLUDING DENYING THE DEFENDANT THE RIGHT TO TAKE THE STAND IN HIS OWN DEFENSE, THE ENTIRE ACTIONS OF "ROLAND THAU" WERE ILLEGAL, REPUGNANT AND AT ALL TIME UNAUTHORIZED, EXCEPT ON ONE MOTION, WHICH I REQUESTED, THE RIGHT TO INVOKE, RULE 43, THAT WAS THE ONLY TIME HE HAD ANY RIGHT TO SPEAK, FOR THE APPELLANT. AND YOUR PETITIONER AGAIN STATES AND DEPOSES THAT THE ABOVE STATEMENTS ARE TRUE, UNDER THE PENALTY OF PERJURY.

THIS MOTION IS BEING MADE PURSUANT TO RULE 40 OF TITLE 18, U.S.C., AND WE ASK THE COURT TO NOTE THE DATE OF RECEIVING THIS JUDGEMENT, AND WE AGAIN MUST REQUEST THAT THE NUMBER OF COPIES SUBMITTED BE ACCEPTABLE, AS THE RULES AT THIS INSTITUTION ARE SUBSTANTIALLY RESTRICTIVE, AND WE DESIRE TO PUT THIS MATTER UP FOR PROMPT RECONSIDERATION, AND THAT THE PETITIONER BE PER- RELEASE ON BAIL, PURSUANT TO TITLE 18, SECTION 3148, U.S.C., AS HIS BAIL, SET ON OCT. 28, 1976 BY JUDGE GAGLIARDI WAS ONLY "\$10,000", AND ALSO THE "DEPRIVEMENTS" SUFFERED BY YOUR PETITIONER HAS ALSO PREVENTED THE TIMELY CONSIDERATION OF A PAROLE RELEASE, AGAIN CAUSED BY THE MANUEVERINGS OF THIS SO-CALLED "BRILLANT" "ROLAND THAU"

WE NOW PRAY FOR A SPECIAL REVIEW OF THIS MATTER AS YOUR PETITIONER HAS SERVED OVER 55% OF THE 2 YEAR SENTENCE AS IS NOW IN A CRITICAL PHYSICAL CONDITION AND HIS WIFE, OF OVER 38 YEARS, IS ALSO NOW IN A VERY SERIOUS STATE DUE TO THIS ON-GOING "MISCARRIAGE OF JUSTICE", AS THE PETITIONER KNOWS HAD A PROPER TRIAL BEEN HELD, HE WOULD HAVE BEEN FOUND "NOT GUILTY" OF THE ALLEGATIONS, MADE AGAINST HIM.

COPY OF THIS MOTION BEING ##### MAILED TO U.S. ATTORNEY R. FISKE JR.

Charles C. Baseman, Pro Se

NOTE TO DOR

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NY

10-13-'76

US. OF AMERICA, EX REL
CHARLES C. BASAMAN PRO SE

MOTION
TO

✓
JOHN DOE - U.S. MAGISTRATE (RHS)
JANE DOE - U.S. ATTORNEY (LHS)
RESPONDANTS

VACANT
REMANDING
ON BAIL
AND ARREST.

THE PETITIONER, CHARLES C. BASAMAN STATES THAT HE IS INCARCERATED AT THE METRO-POLITAN CORRECTIONAL CENTER, SO INCARCERATED SINCE 10-4-'76, IN LIEU OF \$2000 BAIL.

THE PETITIONER FURTHER STATES HE IS DETAINED IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS UNDER THE 4TH 5TH AND 6TH AMENDMENTS OF THE U.S. CONSTITUTION.

ON 10-4-'76, AFTER HIS ARREST, AFTER AN ILLEGAL SEARCH AND SEIZURE AND DENIAL OF CONTACT WITH

II

COUNSEL OR FAMILY, THE U.S. ATT'Y., REFUSED TO LISTEN TO THE PETITIONER'S PROTEST OF AN ILLEGAL ARREST AND HE ORDERED THE PETITIONER'S IMMEDIATELY DETENTION,

ON 10-5-'76 BEFORE 'JOHN DOE' U.S. MAGISTRATE HE WAS HELD AT ~~2000~~ BAIL ON THE RECOMMENDATION OF 'JANE DOE' U.S. ATT'Y. WHOSE MAIN THROUST WAS TO KEEP THE PETITIONER IN CUSTODY, DESPITE HER KNOWING THE PETITIONER WAS INDIGENT AND WOULD BE AVAILABLE FOR COURT APPEARANCE,

"THIS BAIL WAS SET BY, 'JOHN DOE' WITHOUT ANY NOTING, TO THE PETITIONER HIS RIGHTS AND WITHOUT ANY EFFECTIVE ASSISTANCE OF PUBLIC DEFENDER COUNSEL WHO DID NOT OFFER ONE iota of REPRESENTATION—"

432 F.2D 736-37, U.S.V. BENN -
155 U.S. Appl D.C. 180 476 2d 1127
(1973) AND UNDER CRIMINAL LAW
2641.1, 641.7(1) AND 641.13(1) (U.S.C. 6A

III

THE PETITIONER NOW ALSO STATES THAT HE HAS TRIED TO OBTAIN THE NAMES OF JOHN DOE AND JANE DOE AND ALSO THE NAME OF THE PUBLIC ATT'Y, WHO HE JUST MET, LESS THAN 10 MINUTES BEFORE THE ARRANGEMENT, WHO WAS NOT ABOUT TO DO ANYTHING TO AGITATE TO U.S. ATT'Y., (JANE DOE) WHO WAS DETERMINED TO HAVE THE PETITIONER IN CUSTODY.

THE PETITIONER, CHARLES C. BASAMAN, PRO SE APPROACHES THIS COURT AND PRAYS FOR JURIS POSITIVI.

Charles C. Basaman
CHARLES C. BASAMAN
PRO SE.

SURAT

Sworn and subscribed before me
this 15th day of October, 1976.
Edward H. Hart

"AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)".

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PEOPLE OF THE UNITED STATES *
EX REL *

V *

CHARLES C. BASAMAN, PRO SE *
PETITIONER-DEFENDANT *

'MOTION TO DISMISS'

76 CR 1
974
LFM

THE DEFENDANT-PETITIONER, PRO SE MOVES THIS COURT TO
DISMISS THE INDICTMENT HEREIN ON THE FOLLOWING GROUNDS:

- (1) THE DEFENDANT STATES THAT HE WAS ARRESTED ON SEPT. 24, 1976 AND WAS RELEASED R.O.R. ON SEPT. 25, 1976; HOWEVER HE SUFFERED INJURIES TO HIS LEFT SIDE FOLLOWING AN ACCIDENT IN THE METROPOLITAN CORRECTION CENTER PRIOR TO HIS ABOVE RELEASE, REQUIRING PHYSICAL AND EX-RAY EXAMINATION, MEDICAL TREATMENT AND MEDICATION, AT HIS OWN EXPENSE, AND ADDING PROBLEMS TO HIS ALREADY POOR PHYSICAL STATUS OF POST OPERATIVE DETERIORATION CAUSED BY CANCER AND ULCERATIVE COLITIS:
- (2) THE PETITIONER WAS ARRESTED AGAIN ON OCT. 4, 1976 AND WAS REMANDED TO THE METRO. C.C., IN LIEU OF \$2000.00 BAIL, DESPITE HIS OWN OBJECTIONS AND NO AID BY A SUBSTITUTE LEGAL AID COUNSEL WHO DID NOT OFFER ONE IOTA OF REPRESENTATION DURING A VERY IMPROPER HEARING BY MAGISTRATE RABY:
- (3) DESPITE FRUITLESS INQUIRIES I HAVE BEEN CONTINUOUSLY INCARCERATED HERE, AT M.C.C., SINCE OCT. 5, 1976, I WAS FINALLY BROUGHT BEFORE U.S.D.C. JUDGE GAGLIARDI ON OCT. 29, 1976, AFTER 24 DAYS IN CUSTODY, DESPITE RULE 5 PAR. (c) OF TITLE 18 U.S.C., AS I HAD INDICATED I WANTED TO APPEAR PRO SE, ON THIS DATE, OCT. 29, 1976 JUDGE GAGLIARDI SET BAIL AT \$10.00, CONDITIONED ON THE REMOVAL OF ANY DETAINERS:
- (4) ON NOV. 3, 1976 I WAS BROUGHT BEFORE U.S.D.C. JUDGE MAC MAHON; WITHOUT BEING GIVEN AN OPPORTUNITY TO SPEAK, A MR. THALOF THE FEDERAL DEFENDER'S OFFICE, TO WHOM I OBJECTED HIS REPRESENTATION OF ME, NOTED TO JUDGE MAC MAHON THAT I DID NOT WANT A 'SANITY EXAMINATION ALTHOUGH HE FELT IT WOULD BE HELPFUL TO MY DEFENSE AND U.S. ASS'T. ATT'Y. BARPER WAS ORDERED TO IMMEDIATELY PREPARE A ORDER FOR AN EXAMINATION, AND JUDGE MAC MAHON JUST DESREGARDED ME.
- (5) IMMEDIATELY ON NOV. 4, 1976, I MADE AN APPEAL TO THE COURT OF APPEALS, BUT TO DATE NOTHING HAS HAPPENED AND I AM STILL ~~IN THE~~ INCARCERATED DESPITE MY EFFORTS TO BRING TO THE ATTENTION OF ALL, CONCERNED THE CONDITIONS SET FORTH IN SECTION 3146 PAR. (e)
- (6) THE PETITIONER ALSO STATES THAT ON THE DATE NOTED HEREIN ABOVE BEFORE JUDGE GAGLIARDI HE WAS HAND~~ED~~ AN UNSIGNED 3 COUNT INDICTMENT CONTRARY TO SECTION 7 PAR. (c)(1) OF TITLE 18 U.S.C.

THE PETITIONER-DEFENDANT PRAYS FOR SPEEDY CONSIDERATION OF THIS PLEA IN THAT IN ADDITION TO THE ABOVE HE IS SUBJECTED TO TORTUOUS CRUEL AND INHUMAN PUNISHMENT IN VIOLATION OF THE U.S. CONSTITUTION AS WELL AS BEING DENIED A SPEEDY TRIAL IN

II

VIOLATION OF THE 4th AND 5th AMENDMENTS OF THE CONSTITUTION.

THIS MOTION IS PREDICATED IN PART OF THE DEFENDANT'S SUBMISSION AS EXHIBITS ATTACHED COPIES OF THE APPEAL AND OTHER WRITINGS I HAVE, TO DATE SUBMITTED IN ADDITION I AM ALSO ATTACHING A COPY OF THE INDICTMENT, NOTED ABOVE AND MOTIONS I HAVE PREPARED HAD A PRE-TRAIL HEARING BEEN PROPERLY SCHEDULED.

'JURAT'

Charles C. Basaman
CHARLES C. BASAMAN, PRO SE
DEFENDANT

*Sworn and subscribed before
me this 16th day of November, 1976.*

Edward Hart

"AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)".

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOV 3 1976

CHARLES C BASAMAN

Full Name & Prison Number

vs.

UNITED STATES OF AMERICA

M.C.C.
NEW MOTION
Motion under 28 U.S.C. §2255
by Person in Federal Custody
~~attaching Sentence~~

INSTRUCTIONS - READ CAREFULLY

① *Answer every question - a check*

is not an answer
To be considered by the District Court, the motion must be in writing (legibly handwritten or typewritten), signed by the person in custody and verified (notarized & sworn to). Answers to each applicable question must be concise. If the space is too small for the answer to a particular question, finish it on the reverse side of the page or insert one additional blank page, making clear to which question the continued answer refers.

Every motion under 2255 of Title 28, United States Code, must be sworn to under oath. A false statement of a material fact in it may be made the basis of prosecution and conviction for perjury. Take great care to make the answers true and correct.

② The Filing Fee is \$15.00

If the motion is made in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information that will establish whether petitioner is unable to pay the fees and cost of the 2255 proceedings.

~~A copy of the motion must be served on respondent (witness and verified (notarized & sworn to) statement of each service must be attached to the motion.~~

③ When the motion is completed, the original and two copies shall be mailed to the Clerk of the District Court for the Southern District of New York.

1. Place of detention - METROPOLITAN CORR. CENTER - N.Y., N.Y.
2. Name and location of court which, and name of judge who, imposed sentence - WAITING 20+ DAY FOR PRE. HEARING
3. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) UNKNOWN
 - (b) _____
 - (c) _____

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- 2
4. The date upon which sentence was imposed and the terms of the sentence:
- (a) NONE
- (b) _____
- (c) _____
5. Check whether a finding of guilty was made
- (a) after a plea of guilty NO PLEADING
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
6. If you were found guilty after a plea of not guilty, check whether that finding was made by
- (a) a jury _____
- (b) a judge without a jury ☒ NO TRAIL YET
7. Did you appeal from the judgment of conviction or the imposition of sentence? NO SENTENCE
8. If you answered "yes" to (7), list
- (a) the name of each court to which you appealed: 3146-180SC
1. MAGISTRATE
11. U.S. DIST. - SOUTHERN NY
111. _____
- (b) the result in each such court to which you appealed:
1. NO PREL HEARING
11. _____
111. _____
- (c) the date of each such result:
1. MAGISTRATE
11. NONE SINCE 10/5/76
111. _____

(d) If known, citations of any written opinions or orders entered pursuant to such results:

1. VIOLATIONS OF 3146
11. TITLE 18 USC

111.

9. State concisely all the grounds on which you base your allegations that the sentence which was imposed on you is invalid:

(a)

No Pre. Hearing
since Mag. Ct.

(b)

Appear over 20
days ago

(c)

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a)

as above
Title 18 3146

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(b)

(e)

11. Have you previously filed petitions for habeas corpus, motions under section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction?

YES - 10/13/76 PRO SE ~~NO~~

12. If you answered "yes" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof

1. 'WRIT OF HABEAS CORPUS'
VIOLATION CONSP. RIGHTS

11. CRUEL & INHUMAN PUNISHMENT

111.

(b) the name and location of the court in which each was filed:

1. U.S. D. 1ST. COURT
SOUTHERN DIST. NY

11. U.S. COURT HOUSE
FOLK, SO

111.

(b) the proceedings in which each ground was raised:

1. NONE TO DATE

11.

111.

15. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea? POORLY

(b) your trial, if any? NONE PRO SE

(c) your sentencing? NONE

(d) your appeal, if any, from the judgment of conviction
or the imposition of sentence? PRE-HRG.

(e) preparation, presentation or consideration of any petitions,
motions or applications with respect to this conviction, which
you filed? PRO SE

16. If you answered "yes" to one or more parts of (15), list

(a) the name and address of each attorney who represented you:

1. MR. THAL - FED. PUBLIC DEF.
MR. CURLY - " "

11.

111.

(b) the proceedings at which each such attorney represented you:

1. INITIAL MAG HRC.

1. 9/28/76

11. 10/5/76

111.

(b) the proceedings in which each ground was raised:

1. NONE TO DATE

11.

111.

15. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea?

(b) your trial, if any?

(c) your sentencing?

(d) your appeal, if any, from the judgment of conviction
or the imposition of sentence?

(e) preparation, presentation or consideration of any petitions,
motions or applications with respect to this conviction, which
you filed?

16. If you answered "yes" to one or more parts of (15), list

(a) the name and address of each attorney who represented you:

1. MR. THAL - FED. PUBLIC DEF.
MR. CURLY - " "

11.

111.

(b) the proceedings at which each such attorney represented you:

1. INITIAL MAG. HRC.

9/28/76

11. " 10/5/76

111.

~~United States of America~~

CHARLES C. BASAMAN

v.

MAGISTRATE- ATTORNEY

United States District Court

FOR THE

SOUTHERN DIST. N.Y.

Affidavit in Support of Motion on ~~Appeal~~ in Forma Pauperis

I, CHARLES C. BASAMAN being first duly sworn, depose and say that I am the PETITIONER in the above-entitled case; that in support of my motion to proceed ~~on appeal~~ without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present ~~on appeal~~ are the following:

NEW AFFA -
DAVID
DO

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed?

☐ YES

☒ NO

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

JULY-1972 \$1100 MO

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?

☐ YES

☒ NO

a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.

SS DISABLED

3. Do you own any cash or checking or savings account?

☐ YES

☒ NO

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

☐ YES

☒ NO

a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

WIFE ELIZABETH

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

SIGN

Charles C. Basaman

SUBSCRIBED AND SWORN TO before me this

5th day of November, 1976

Edward H. Crisp

"AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)".

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JUDGE MACMAHON, U.S.D.C.,
SOUTHERN DISTRICT - N.Y.
U.S. COURT HOUSE - FOLEY SQ.
N.Y., N.Y., 10007

910 M.E.C.
150 PARK Rd.
N.Y.N.Y.
10007

RE: U.S. V BASAMAN

THIS WILL, AGAIN REITERATE
OUR PREVIOUSLY STATED POSITION
THAT MR. THAL WAS NOT, IS NOT
AND WILL NOT BE REPRESENTING
THE UNDERSIGNED DEFENDANT,
CHARLES O. BASAMAN, IN ANY OF
HIS MATTERS, BEFORE THE
UNITED STATES COURTS. ANY
DISCUSSION, REQUESTS OR POSS-
SESSION OF LEGAL PAPERS ETC.,
IN THIS MATTER, RE: BS-V
BASAMAN, IS OUTSIDE OF THE
PROPERLY, DEFENDANT, APPROVED
JURISDICTION OF MR. THAL AND/OR
THE OFFICE OF THE FEDERAL
DEFENDER AND WE BRING THIS
TO YOUR ATTENTION, AGAIN AS
THIS, ILLEGAL INTERFERENCE BY
MR. THAL, ETC., HAS BEEN PER-
NICIOUS TO THE DEFENDANT
AND AGAIN WE REQUEST AND
ASK THAT YOU, JUDGE MACMAHON,
SUBMIT TO US IN WRITING YOUR
REASON FOR KEEPING THE DE-
FENDANT, IN UNLAWFUL CUSTODY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PEOPLE OF THE UNITED STATES *
EX REL *

V

CHARLES C. BASAMAN, PRO SE
PETITIONER-DEFENDANT

L. TAYLOR, RESPONDANT

* NOTICE OF MOTION OF APPEAL
*
* TO A COURT OF APPEALS FROM A
*
* ORDER OF A DISTRICT COURT AND
*
* A PETITION FOR A WRIT OF HABEAS
*
* CORPUS (IN FORMA PAUPERIS)

NOTICE IS HEREBY GIVEN THAT CHARLES C. BASAMAN, DEFENDANT, ABOVE NAMED, HEREBY APPEALS TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT OF THE U.S., FROM THE ORDER OF LLOYD MACMAHON, J.U.S.D.C., HOLDING THE DEFENDANT IN CUSTODY, WITHOUT BAIL, PENDING A EXAMINATION BY A PSYCHIATRIST BEFORE TRAIL.

THE PETITIONER HEREBY STATES THAT SUCH AN EXAMINATION IN, BOTH, WASTEFULL AND UNNECESSARY IN THAT SUCH AN EXAMINATION WAS ALREADY HELD, PURSUANT TO AN ORDER ISSUED ON NOV. 3, 1976, AND A REPORT WAS GIVEN THE COURT, BY A COURT APPOINTED DOCTOR, FINDING THE DEFENDANT COMPETANT:
THE DEFENDANT FURTHER STATES THAT THE ABOVE MENTIONED RE-EXAMINATION WAS SUGGESTED BY UNAUTHORIZED PUBLIC FEDERAL DEFENDER, WHO WITHOUT ANY MEDICAL OR PSYCHIATRIC QUALIFICATIONS, ASSININELY DISPUTED THE REPORT OF THE FIRSTLY SELECTED DOCTOR; TO THE DETRIMENT OF YOUR PETITIONER;
THE DEFENDANT FURTHER STATES:

(1) THAT HE WAS FIRST ARRESTED ON SEPT. 24, 1976 AND WAS RELEASED ON R.O.R. ON SEPT. 25, 1976;

(2) THAT HE WAS, AGAIN ARRESTED ON OCT. 4, 1976, AND WAS HELD IN CUSTODY IN LEIU OF \$20000.00 BAIL, DISPIE THE FACT THAT YOUR PETITIONER QUALIFIED FOR 'FORMA PAUPERUS' BUT DECIDED TO PROCEED 'PRO SE', BECAUSE OF THE VERY INEFFECTIVE REPRESENTATION BY THE FEDERAL DEFENDER;

(3) DESPITE NUMEROUS PROTESTATIONS UNDER SECTION 3146, 3147, 3148 and RULE 5(c) OF TITLE 18 U.S.C. THE PETITIONER WAS HELD IN CUSTODY BEYOND THE TIMETABLE SET FORTH IN THE ABOVE MENTIONED RULE 5(c);

(4) ON OCT. 29, YOUR PETITIONER WAS BROUGHT BEFORE JUDGE GAGLIARDI, U.S.D.C. WHO SET BAIL AT \$10,00 CONDITIONED UPON THE REMOVAL OF ANY STATE DETAINERS;

(5) ON NOV. 3, 1976 THE DEFENDANT WAS BROUGHT BEFORE JUDGE MACMAHON. SUMARILY CONTINUED THE MATTER PENDING A EXAMINATION AS NOTED ABOVE, CAUSED BY THE ILLEGAL INJECTION INTO THIS MATTER BY A MR. THAL, OF THE FEDERAL DEFENDER'S OFFICE AND THE SUGGESTION OF U.S. ASS'T. ATTORNEY JANE FAVBER, AND THE DEFENDANT WAS REMANDED INTO CUSTODY UNDER THE SAME BAIL CONDITIONS;

(6) DESPITE JUDGE MACMAHON'S ORDER FOR AN IMMEDIATE EXAMINATION ASS'T. ATTORNEY DILLIY-DALLED SOME 17 DAYS BEFORE THE HEREIN MENTIONED ORDER WAS GIVEN TO THE DOCTOR WHILE THE

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II

DEFENDANT WAS COMPELED TO REMAIN IN CUSTODY BECAUSE OF THE DIFFICULTIES ENCOUNTERED IN REMOVING A STATE DETAINER UNDER CUSTODIAL CONDITIONS;

(7) YOUR DEFENDANT WAS FINALLY ABLE TO REMOVE THE DETAINER AND HE WAS R.O.R. ON NOV. 22, 1976, BUT WAS REINCARCERATED ON DEC. 3, 1976 AND THE SECOND EXAMINATION WAS ORDERED ON DEC. 6, 1976 DESPITE THE PROTESTATIONS OF YOUR PETITIONER-DEFENDANT:

YOUR PETITIONER, CHARLES C. BASAMAN, PRO SE NOW APPEALS TO THIS COURT FOR A FAVORABLE RULING ON THIS PETITION AND HE PRAYS THAT THIS COURT GRANT THAT A WRIT OF HABEAS CORPUS BE HERE AND NOW ORDERED ALLOWING HIS RELEASE ON R.O.R. AS THERE NEVER WAS ANY QUESTION OF FACT THAT THE DEFENDANT WOULD NOT BE AVAILABLE FOR ANY REQUESTED AND/OR ORDERED COURT APPEARANCE.

YOUR PETITIONER FURTHER PRAYS THAT THIS 'WRIT' BE GRANTED FORTHWITH IN THE LIGHT OF THE FACT THAT HE IS IN A VERY POOR PHYSICAL STATUS DUE TO POST-OPERATIVE PROBLEMS OF A TERMINAL CANCER CONDITION AND THIS TORTUOUS CUSTODY IS CRUEL AND INHUMAN PUNISHMENT IN ADDITIONAL VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS: WE, THE UNDERSIGNED, AGAIN REITERATE OUR PLEA FOR A EXPEDITIONOUS CONSIDERATION; THANKS BE TO GOD!

Charles C. Basaman

CHARLES C. BASAMAN, PRO SE
DEFENDANT

c/o METRO. CORRECTION CENTER
150 PARK ROW
NEW YORK, N.Y., 10007

'JURAT'

*State of New York
County of New York*

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of the Court.

NAME: *Beverly Wright*
TITLE: *Clerk*
"Authorized by the Act of
July 27, 1955, to administer
oaths (18 U.S.C. 4004)."

BEST COPY AVAILABLE